

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

SECTION 390 CATEGORICAL EXCLUSION FOR OIL AND GAS DEVELOPMENT

Upgrade Stormwater Controls on Five Whiting Well Pads DOI-BLM-CO-N05-2015-0118-CX

Identifying Information

Project Title: Upgrade Stormwater Controls on Five Whiting Well Pads

Legal Description: T 12N, R 101W, Sec 26

Applicant: Whiting Oil and Gas Corporation

Casefile/Project Number: COD 53178

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: Little Snake Record of Decision and Resource Management Plan (RMP)

Date Approved: October 2011

Decision Language: The Proposed Action is in conformance with the RMP because it is specifically provided for in the following RMP goals, objectives, and management decisions:

- Allow for the availability of the federal oil and gas estate (including coalbed natural gas) for exploration and development.
- Objectives for achieving these goals include:
- Identify and make available the federal oil and gas estate (including coalbed natural gas) for exploration and development.
 - Facilitate reasonable, economical, and environmentally sound exploration and development of oil and gas resources (including coalbed natural gas).

Section/Page: Section 2.13 Energy and Minerals, page RMP-36

Proposed Action

Project Components and General Schedule

Surface inspections of Whiting Oil and Gas Corporations' Hiawatha 2, Lion Government 12-26, Lion Government 14-26, Lion Government 31-26D, and Lion Government 9, all on lease #COD 53178, have shown evidence of erosion on and near the well pads. Whiting proposes to construct stormwater control features to minimize surface erosion on and off the locations. All wells are on BLM surface in Moffat County, CO (Figure 1).

Stormwater features to be installed include deepening existing diversion ditches, installing erosion control blankets, sediment traps, berms, culverts, wattles, hay bales, and culvert inlet/outlet protection. Most work would take place on previously-disturbed areas, although work would also take place on a total of about one acre (among all five pads) just outside the previously disturbed pads (Figures 2-7).

Whiting would like to construct the features in the fall of 2015, although construction could take place anytime allowed by the permit.

Design Features

1. After construction of stormwater controls, Whiting will rip the non-working surface approximately 18 inches deep, and add any soil amendments if required as a result of soil testing. Whiting will seed the non-working surface, preferably in September, with a BLM approved seed mix. Effort will be made to leave the surface in a roughened state. The non-working surface will be mulched using crimped straw or bonded fiber matrix hydro mulch. Blown straw or hydro mulch will be used on fill slopes. No fencing will be installed around seeded areas.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Categorical Exclusion Review

The Energy Policy Act of 2005 (P.L. 109-58) prescribed five categorical exclusions (CX) for activities whose purpose is for the exploration of oil or gas.

The Proposed Action qualifies as a categorical exclusion under the Section 390 of the Energy Policy Act, #5: *"Maintenance of a minor activity, other than any construction or major renovation of a building or facility."*

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office (WRFO) interdisciplinary team on 8/25/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	9/9/2015
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	8/31/2015

Heather Woodruff	Ecologist	Special Status Plant Species	8/25/2015
Tracy Perfors	Natural Resource Specialist	Project Lead	9/9/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	9/9/2015

Cultural Resources: The proposed project area has been inventoried at the Class III (100 percent pedestrian) level (Jennings and Metcalf 2003) with no resources directly associated with any of the involved well pad locations. The closest cultural resource is a lithic scatter that is located approximately 200 yards (183 meters) away from the Hiawatha 2 well. The site has been officially determined ineligible for nomination to or listing on the National Register of Historic Places (NRHP). Due to the limited nature of the work it is unlikely there will be any impacts to the site from the storm water control activities.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: The project area provides habitat for a number of special status animals and those that warrant management concern, including: white-tailed prairie dogs, raptors, and greater-sage grouse. Although the proposed installation of storm-water features would be localized and involve relatively low-intensity, short duration activities, the reproductive activities of these species are prone to disruption by fluid mineral maintenance activities that take place coincident with sensitive timeframes. Although minor on an individual project basis, their contribution to cumulative effects can have considerable influence on animal distribution, resource availability, energetic demands, and recruitment of young into subsequent breeding populations.

Several of the locations are encompassed by habitat that supports white-tailed prairie dogs. However, with the exception of minor extensions of storm-water features (total of one acre) beyond the existing disturbance margins, all work would remain on previously disturbed acreage. Storm water measures outside the pad margins involve relatively shallow excavations or berms that would cause little, if any, damage to subterranean burrow systems or small dimension sediment traps that occupy diminutive acreage on pad margins.

The project sites are largely encompassed by greater sage-grouse priority habitat. These sagebrush shrublands are located within 4 miles of active leks and, particularly in association with adjacent perennial and intermittent channels (i.e., G Wash and Canyon Creek), are suitable for the support of sage-grouse nesting and brood-rearing functions. To reduce cumulative adverse influences on sage-grouse nest and brood-rearing activities (e.g., behavioral avoidance and habitat disuse), disruptive activities that take place within these mapped ranges are subject to timing limitations during the reproductive period (March 1 to June 30). The minor expansion of surface features around the immediate perimeter of each location (i.e., total of one acre for all five pads) would have no substantive influence on the availability or effectiveness of adjacent habitat. Considering the applied timing restriction and discountable scale of habitat modified by storm-water features, the proposed action would not be expected to cause significant disturbance,

displacement, or mortality of greater sage-grouse in this population. Installation of these erosion control measures are expected to aid incrementally in achieving interim reclamation on each location by removing impediments to the progressive redevelopment of functional sagebrush canopies (e.g., surface instability and soil loss).

A number of raptor nest sites exist within 0.25 mile of the project locations. Inopportune or prolonged absence of incubating or brooding adults from the nest increase the risk of mortality in eggs or nestlings in violation of the Migratory Bird Treaty Act and Eagle Protection Act. To reduce the likelihood of maintenance activities disrupting adult attendance of ongoing nest activities, maintenance work would be subject to timing limitations during the raptor nest season (e.g., February 1 to August 15).

Proposed storm-water measures are intended to stabilize and retain soils on-site. Installation of the proposed measures would help reduce sediment contributed to subtending channels (i.e., intermittent G Wash and perennial Canyon Creek), thereby helping to avoid adverse channel responses prompted or aggravated by excessive sediment deposition (e.g., increased lateral erosion) and maintain any riparian or aquatic attributes these streams possess.

Threatened and Endangered Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action because none occur in the vicinity.

References cited:

Jennings, Sarah and Michael D. Metcalf

2003 Ensign Colorado Lease Tract, Class III Cultural Resource Inventory in Moffat County, Colorado. Metcalf Archaeological Consultants, Eagle, Colorado. (45-04-03: OAH # MF.LM.R457)

Mitigation

1. Dust abatement is required for all access routes and pipeline ROWs (treated with water and/or a BLM-approved chemical dust suppressant) during construction and drilling activities so that there is not a visible dust plume behind vehicles. All vehicles will abide by company or public speed restrictions during all activities. If water is used as a dust suppressant, there should be no traces of oil or solvents in the water and it should be properly permitted for this use by the State of Colorado. Chemicals and/or treated produced water used as dust suppressants will require prior written approval by the Authorized Officer. Only water needed for abating dust will be applied; dust abatement will not be used as a water disposal option under any circumstances.
2. Seedbed Preparation. Initial seedbed preparation will consist of backfilling, leveling, and ripping all compacted areas to be seeded to a minimum depth of 18 inches with a minimum furrow spacing of 2 feet, followed by recontouring the surface and then evenly spreading the stockpiled topsoil. Prior to seeding, the seedbed will be scarified and left with a rough surface.
 - a) Final seedbed preparation will consist of contour cultivating to a depth of 4 to 6 inches within 24 hours prior to seeding.

- b) Seed Application. Seeding will be conducted no more than 24 hours following completion of final seedbed preparation.
- c) The application rate shown in the table is based on 45 pure live seeds (PLS) per square foot, drill seeded to a depth of 0.25 to 0.5 inch. (However, brush species will be seeded during the winter on the ground surface or preferably on top of snow.) In areas that will not be drill-seeded, the seed mix will be broadcast-seeded at twice the application rate shown in the table and covered 0.25 to 0.5 inch deep with a harrow or drag bar or will be broadcast-seeded into imprints, such as fresh dozer cleat marks.
- d) No seeding will occur from May 15 to September 15. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing. Spring seeding will be conducted after the frost leaves the ground and no later than May 15.

3. The BLM recommends the native seed mix in Table 1 below.

Table 1. Little Snake Field Office Modified Native Seed Mix 2.

Common Name	Application Rate (lbs PLS/acre)
Western wheatgrass	2
Indian ricegrass	1
Bluebunch wheatgrass	2
Thickspike wheatgrass	2
Green needlegrass	1
Scarlet globemallow	0.5
Northern sweetvetch	0.5
Arrowleaf balsamroot	0.5
shadscale	1
Nuttall's saltbush	1
Winterfat	0.5

- 4. The operator will monitor all stormwater features and surface disturbances for erosion features (e.g., rilling, gully, piping, or mass wasting) that are the result of the Proposed Action. Erosion features that are located either on or adjacent to the surface disturbance will be addressed within 24 hours after observation by contacting the Natural Resource Specialist and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.
- 5. Any stormwater management BMPs that would result in additional surface disturbance beyond what is shown in the diagrams for the project must be submitted via Sundry Notice and approved by the AO before installation.
- 6. Mulch will be used if necessary to control erosion, create vegetation micro-sites, and retain soil moisture and may include hay, small-grain straw, wood fiber, live mulch, cotton, jute, or synthetic netting. Mulch will be free from mold, fungi, and certified free of noxious or invasive weed seeds.

7. Straw mulch will contain fibers long enough to facilitate crimping and provide the greatest cover.
8. All reclamation equipment will be cleaned prior to use to reduce the potential for introduction of noxious weeds or other undesirable non-native species.
9. An intensive weed monitoring and control program will be implemented beginning the first growing season after interim and final reclamation.
10. Monitoring will be conducted at least annually during the growing season to determine the presence of any State-listed noxious weeds. Noxious weeds that have been identified during monitoring will be promptly treated and controlled. A Pesticide Use Proposal (PUP) will be submitted to BLM for approval prior to the use of herbicides.
11. Interim reclamation will be judged successful when disturbed areas not needed for long-term production operations or vehicle travel have been recontoured, protected from erosion, and revegetated with a self-sustaining, vigorous, diverse, native (or otherwise approved) plant community sufficient to minimize visual impacts, provide forage, stabilize soils, and impede the invasion of noxious weeds.
12. Reclaimed areas will be monitored annually. Actions will be taken to ensure that reclamation standards are met as quickly as reasonably practical. Reclamation monitoring will be documented in an annual reclamation report submitted to the Authorized Officer by December 31. The report will document compliance with all aspects of the reclamation objectives and standards, identify whether the reclamation objectives and standards are likely to be achieved in the near future without additional actions, and identify actions that have been or will be taken to meet the objectives and standards. The report will also include acreage figures for Initial Disturbed Acres, Successful Interim Reclaimed Acres, and Successful Final Reclaimed Acres. Annual reports will not be submitted for sites approved by the Authorized Officer in writing as having met interim or final reclamation standards. Any time 30 percent or more of a reclaimed area is redisturbed, monitoring will be reinitiated.
13. Raptor nesting and fledgling habitat will be closed to surface disturbing activities from February 1 to August 15 within a 0.25 mile buffer zone around the nest site (applicable to all project work). However, during years when a nest site is unoccupied, or unoccupied by or after May 15, the seasonal stipulation may be excepted (i.e., written authorization via Sundry Notice to appropriate NRS). The stipulations may also be excepted once the young have fledged and dispersed from the nest.
14. To reduce potential impacts on greater sage-grouse reproductive activities, proposed maintenance activity will not be authorized to take place between March 1 and June 30.

Tribes, Individuals, Organizations, or Agencies Consulted

The State Historic Preservation Office was consulted in 2003 when the cultural survey was completed for an oil and gas lease. Both the survey and consultation remain adequate for the proposed action.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy of 2005.

 Buddy L. Stog
FM

Field Manager

 9/11/2015

Date

Appendix A. Figures

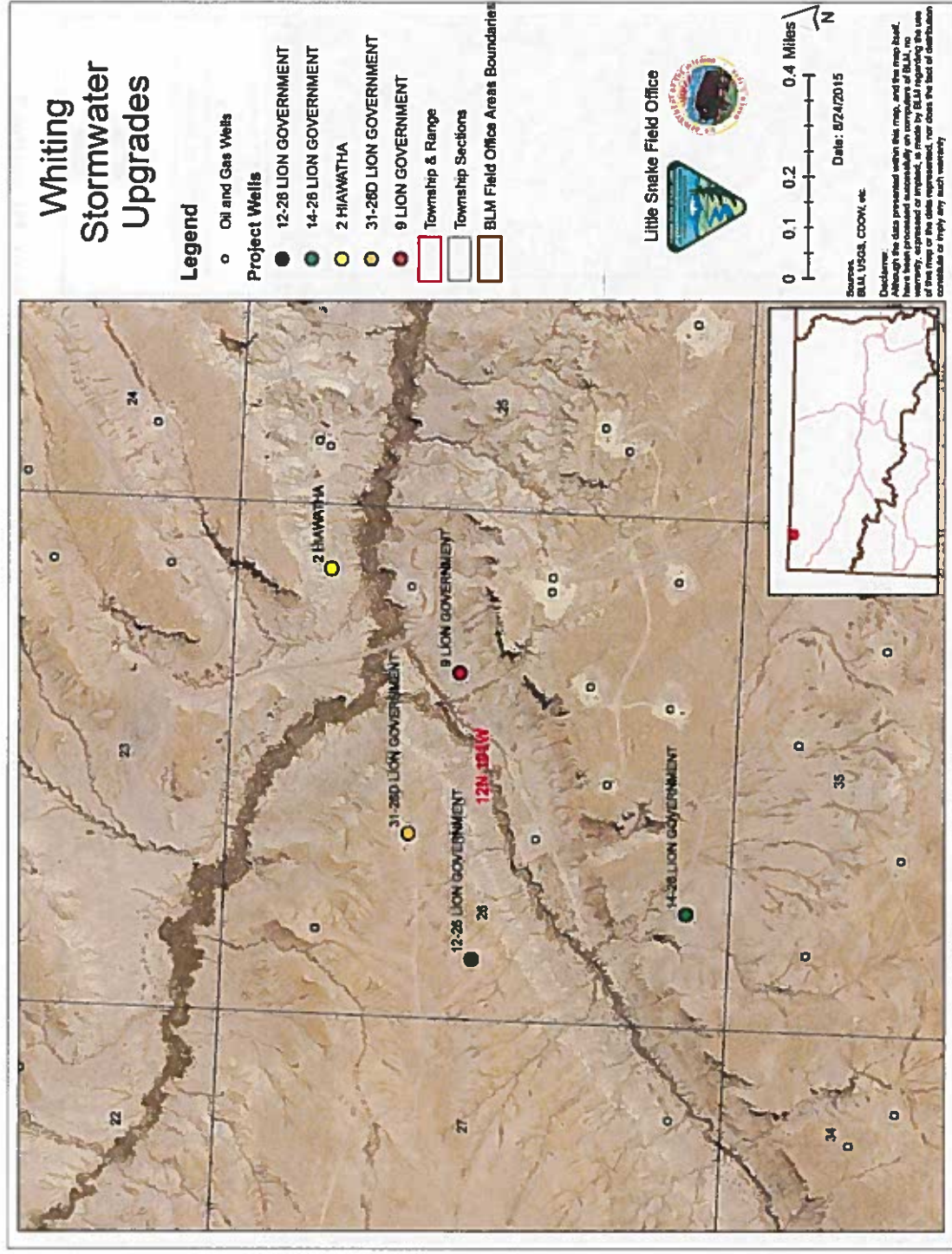


Figure 1: Map depicting location of the wells proposed for stormwater upgrades.

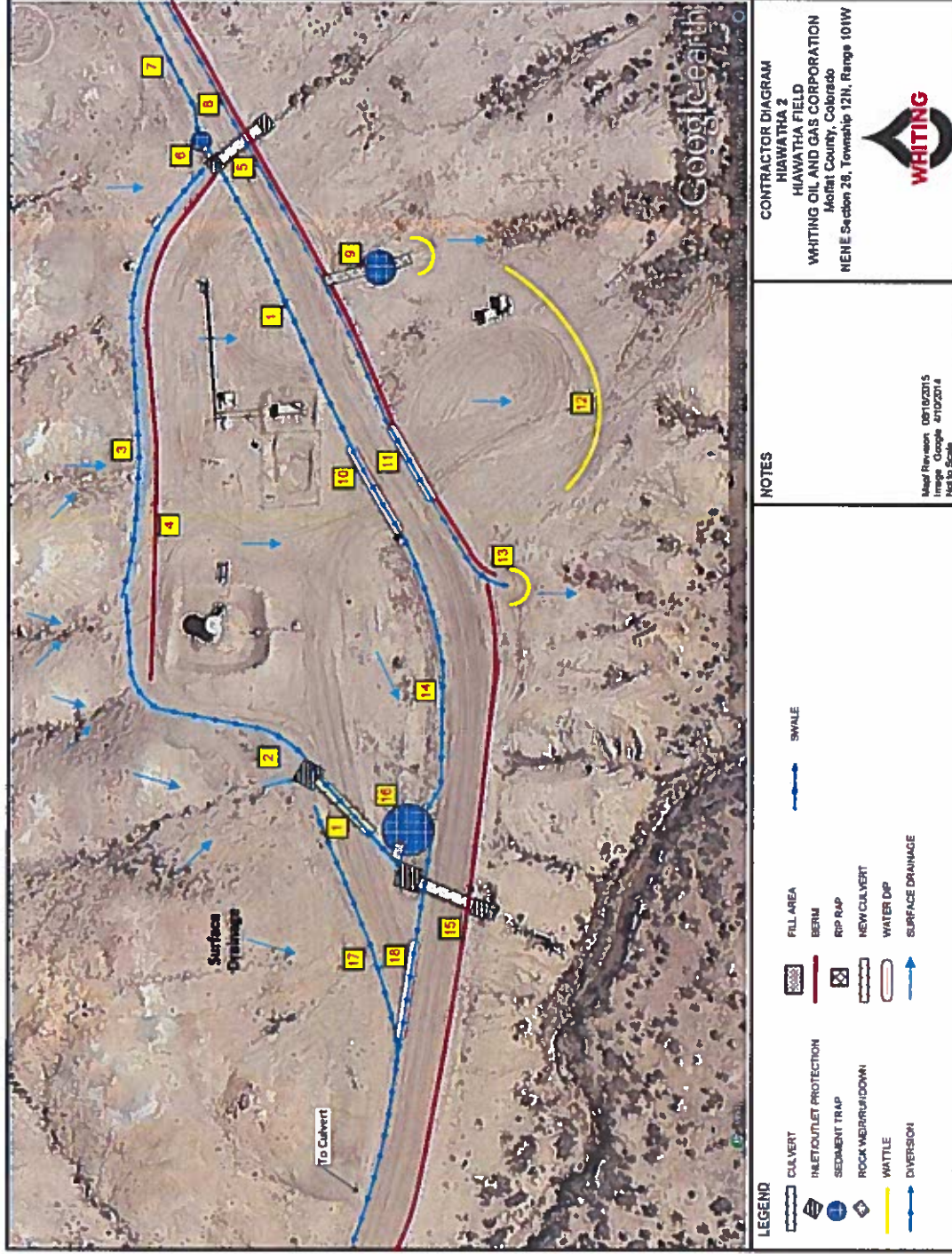


Figure 2: Diagram depicting stormwater features proposed for construction on Hiawatha 2.

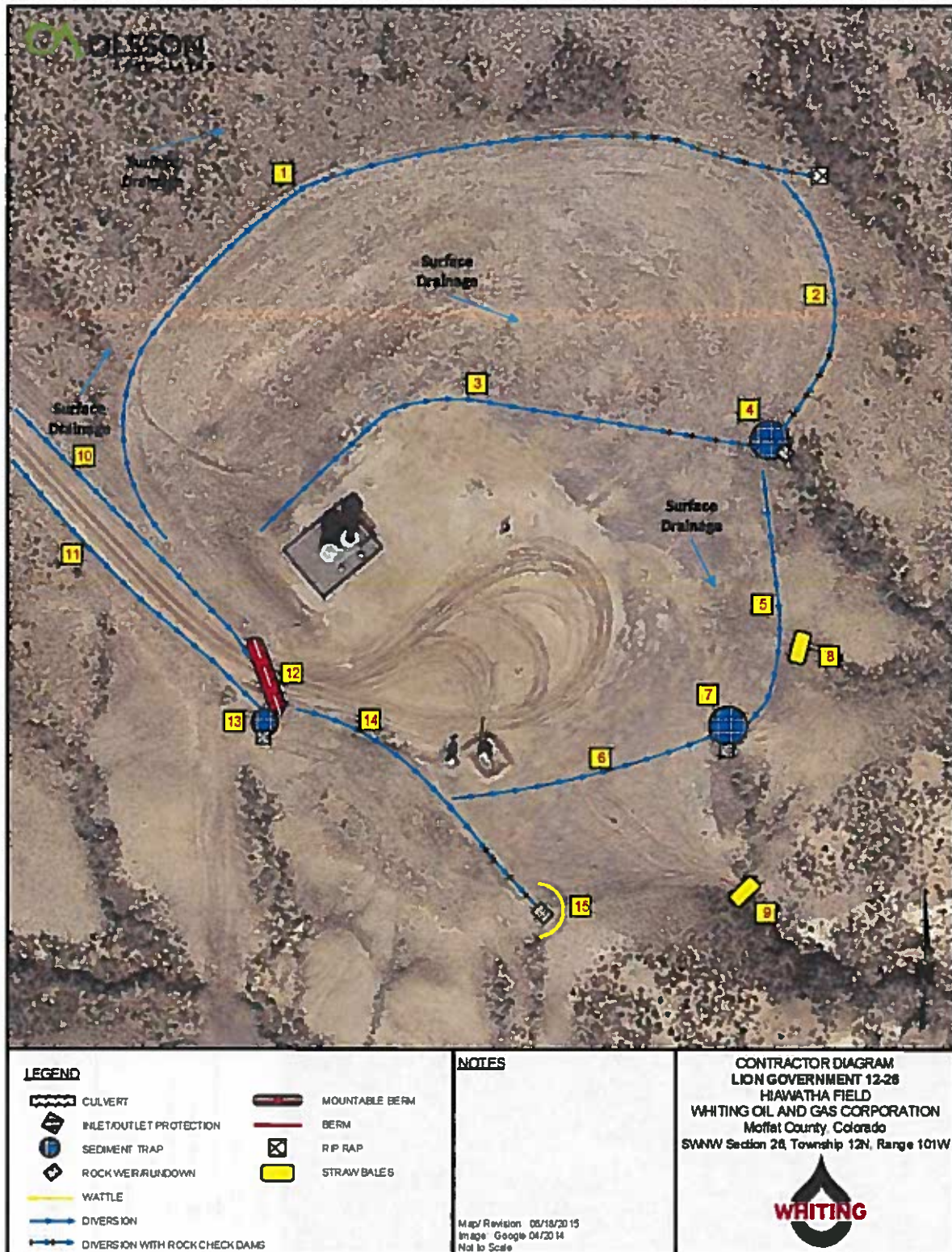


Figure 3: Diagram depicting stormwater features proposed for construction on Lion Government 12-26.

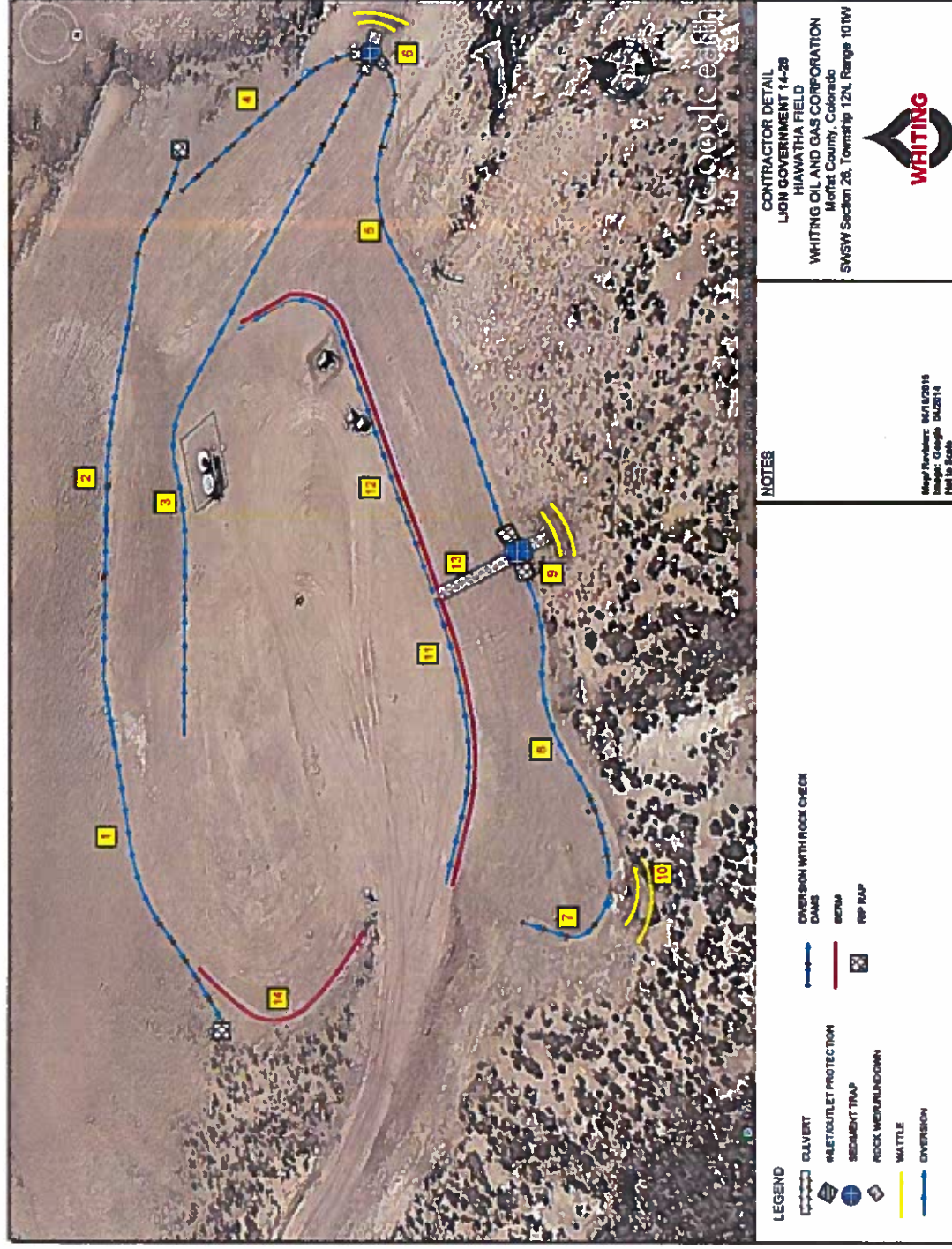


Figure 4: Diagram depicting stormwater features proposed for construction on Lions Government 14-26.

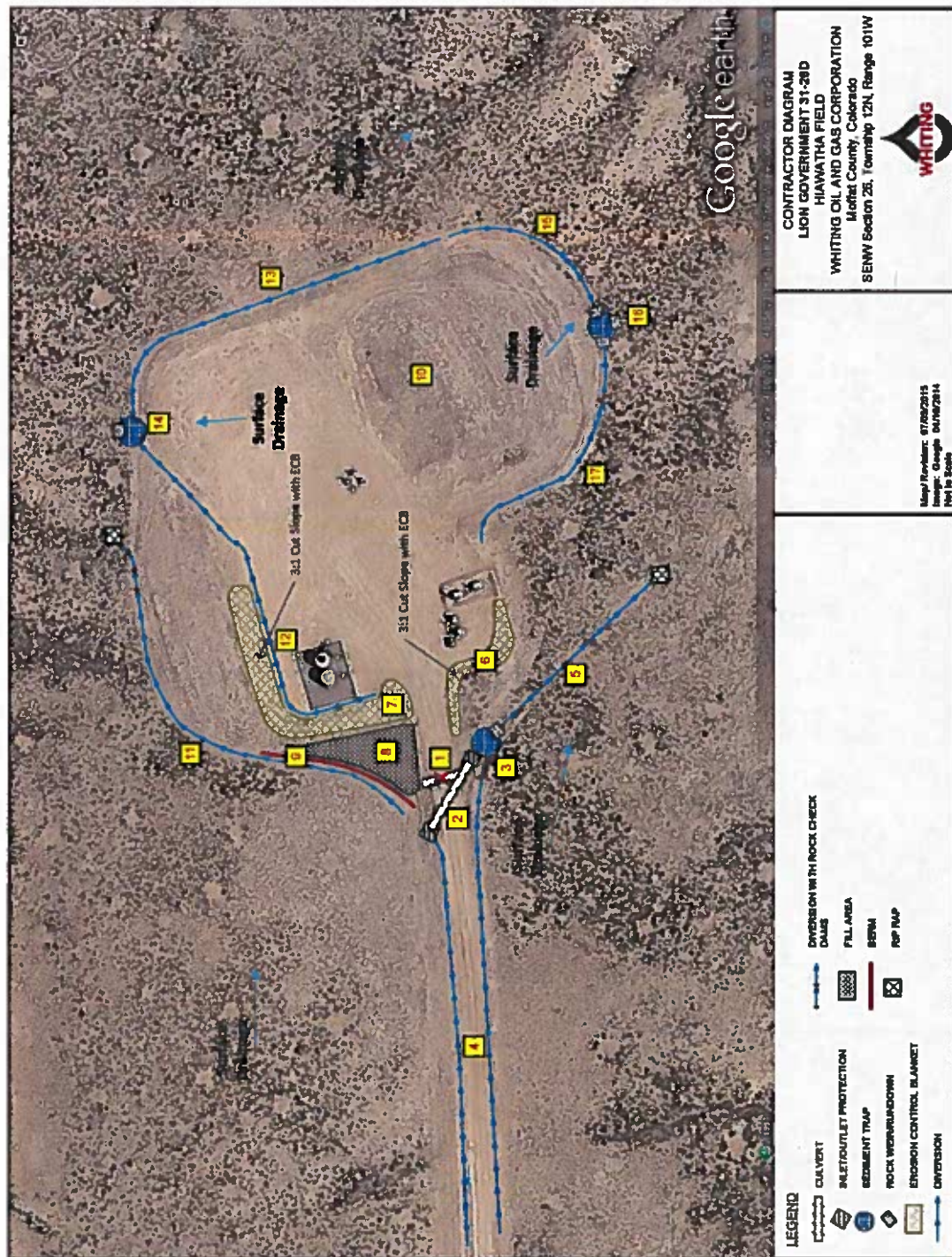


Figure 5: Diagram depicting stormwater features proposed for construction on Lion Government 31-26D.

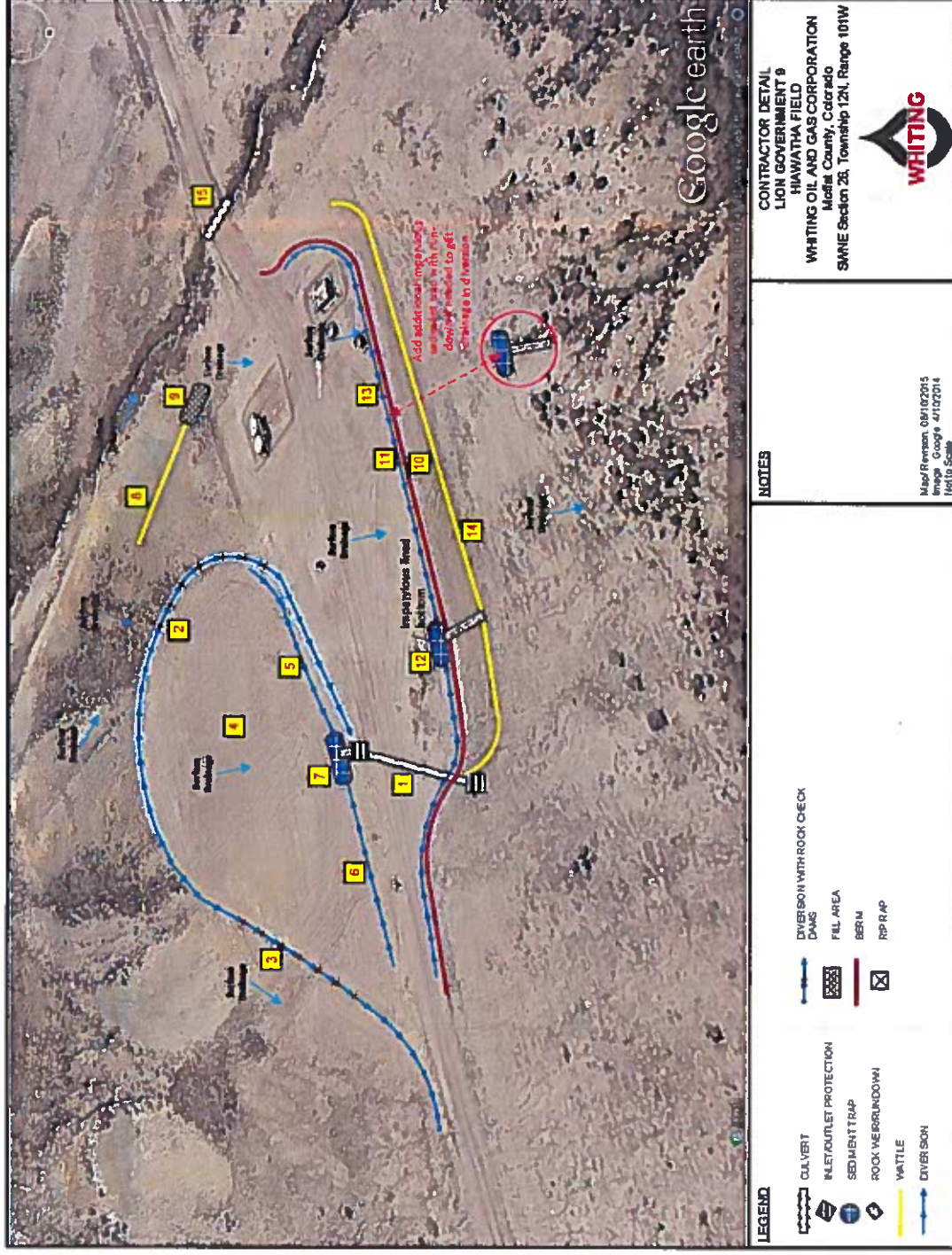


Figure 6: Diagram depicting stormwater features proposed for construction on Lion Government 9.

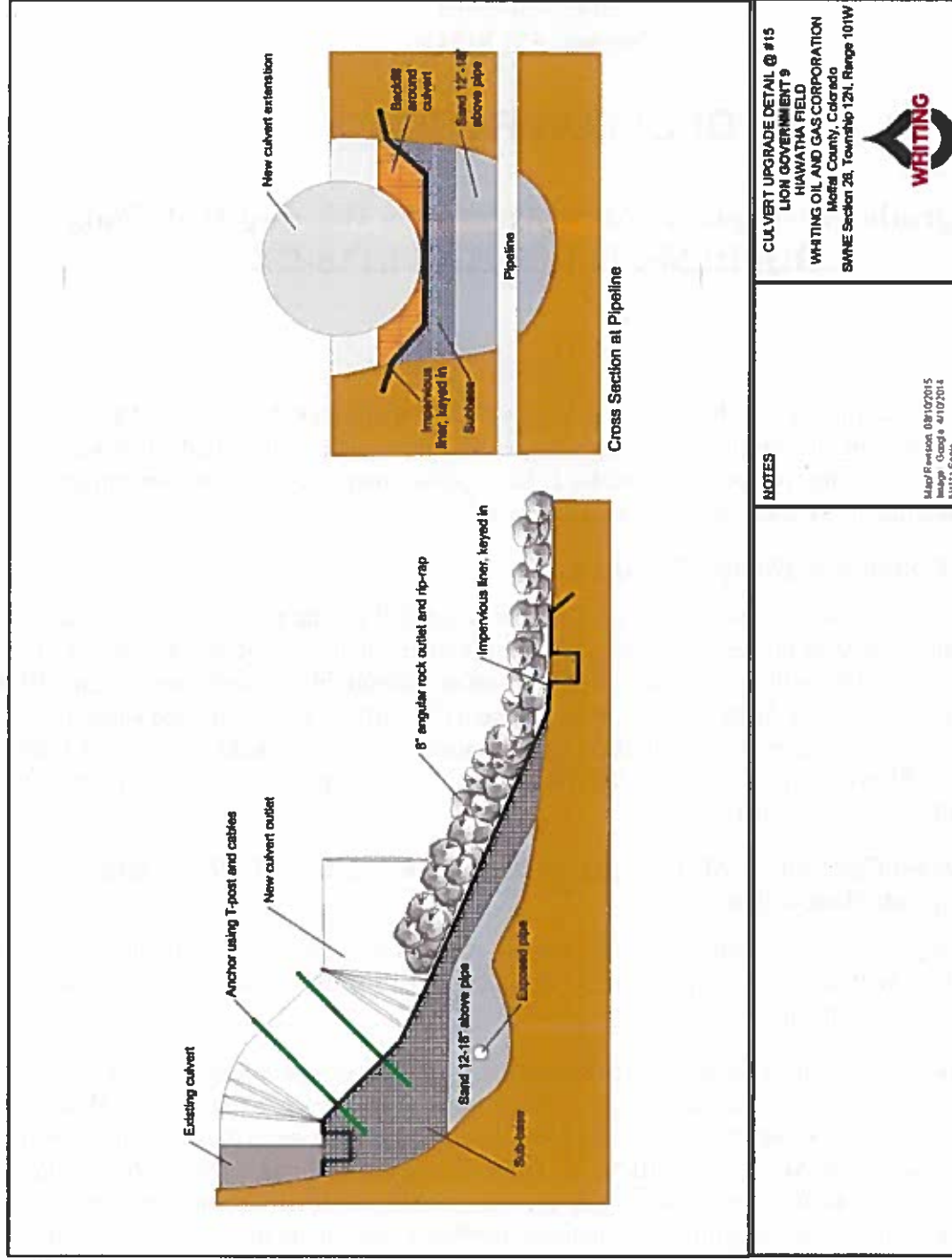


Figure 7: Detail diagram depicting culvert upgrade proposed for point 15 of Lion Government 9.

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Meeker, CO 81641**

DECISION RECORD

Upgrade Stormwater Controls on Five Whiting Well Pads DOI-BLM-CO-N05-2015-0118-CX

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0118-CX, authorizing the construction, operation, and maintenance of upgraded stormwater controls on five Whiting well pads: Hiawatha 2, Lion Government 12-26, Lion Government 14-26, Lion Government 31-26D, and Lion Government 9.

Applicant Committed Design Features

1. After construction of stormwater controls, Whiting will rip the non-working surface approximately 18 inches deep, and add any soil amendments if required as a result of soil testing. Whiting will seed the non-working surface, preferably in September, with a BLM approved seed mix. Effort will be made to leave the surface in a roughened state. The non-working surface will be mulched using crimped straw or bonded fiber matrix hydro mulch. Blown straw or hydro mulch will be used on fill slopes. No fencing will be installed around seeded areas.

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Mitigation Measures

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- f) Seed Application. Seeding will be conducted no more than 24 hours following completion of final seedbed preparation.
- g) The application rate shown in the table is based on 45 pure live seeds (PLS) per square foot, drill seeded to a depth of 0.25 to 0.5 inch. (However, brush species will be seeded during the winter on the ground surface or preferably on top of snow.) In areas that will not be drill-seeded, the seed mix will be broadcast-seeded at twice the application rate shown in the table and covered 0.25 to 0.5 inch deep with a harrow or drag bar or will be broadcast-seeded into imprints, such as fresh dozer cleat marks.
- h) No seeding will occur from May 15 to September 15. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing. Spring seeding will be conducted after the frost leaves the ground and no later than May 15.

3. The BLM recommends the native seed mix in Table 1 below.

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14. To reduce potential impacts on greater sage-grouse reproductive activities, proposed maintenance activity will not be authorized to take place between March 1 and June 30.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 2011 Little Snake Record of Decision and Resource Management Plan.

Public Involvement

This project was posted on the LSFO's and WRFO's on-line National Environmental Policy Act (NEPA) register on 8/25/2015. No comments or inquiries have been received.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy of 2005. Upgrading these stormwater controls will likely result in less erosion around the well pads, and better reclamation success.

Monitoring and Compliance

On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CFR Part 4.

Signature of Authorized Official


Field Manager

9/11/2015
Date